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A LIMITED LIABILITY PARTNERSHIP

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MUMBAI, INDIA

August 10, 2005

TODD D. DAUBERT

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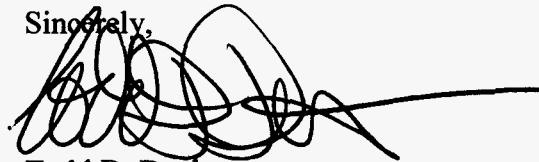
Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: WC Dockets Nos. 05-196 and 04-36**  
**Subscriber Notification Report**

Dear Ms. Dortch:

USA Datanet Corporation ("USA Datanet"), by its attorneys, hereby respectfully files the attached "Subscriber Notification Report" in accordance with the requirements set forth in the Federal Communication Commission's Public Notice, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, WC Docket Nos. 04-36 and 05-196, DA 05-2085 (rel. July 26, 2005). Please feel free to contact the undersigned if you have any questions or need additional information.

Sincerely,



Todd D. Daubert,  
Counsel for USA Datanet

Attachment

**USA Datanet Corporation  
Subscriber Notification Report  
WC Dockets 04-36 and 05-196**

USA Datanet Corporation ("USA Datanet") submits the following Subscriber Notification Report ("Report"), which contains all of the information described in the Federal Communications Commission's Public Notice, *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, WC Docket Nos. 04-36 and 05-196, DA 05-2085 (rel. July 26, 2005) ("Public Notice"). Accordingly, USA Datanet has fully satisfied the condition set forth in the Public Notice to qualify for immunity from any enforcement action regarding the requirement that USA Datanet obtain affirmative acknowledgement by every existing subscriber to USA Datanet All Talk service until August 30, 2005.

**Detailed description of all actions USA Datanet has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service.**

On July 28, 2005, USA Datanet distributed the following items to each existing subscriber to USA Datanet's All Talk service by first-class mail:

- an E911 advisory ("Advisory"),<sup>1</sup> which is appended hereto as Attachment A; and
- a E911 warning sticker, which is appended hereto as Attachment B.

USA Datanet asked each existing All Talk subscriber to acknowledge receipt and understanding of the Advisory by August 5<sup>th</sup>, 2005.

Also on July 27, 2005, USA Datanet began distributing a similar Advisory, which is appended hereto as Attachment C, and E911 warning stickers, which are appended hereto as Attachment B, to each new All Talk subscriber as part of the product enrollment process. Each new All Talk subscriber is required to acknowledge receipt and understanding of the Advisory before the customer is charged, equipment is fulfilled, and services are provisioned.

In order to follow-up with customers who have not yet acknowledged receipt and understanding of the Advisory, USA Datanet has re-sent the notification with the following additional language: "It is extremely important that you read and fax us your signed acknowledgement immediately or we will be forced to suspend your account."

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<sup>1</sup> Since 911 services are currently available in part, but not all, of USA Datanet's service area, USA Datanet developed two versions of its Advisory: one for subscribers who currently have access to 911 and one for subscribers who do not. USA Datanet distributed the appropriate version of the Advisory to subscribers based upon their service location.

**Quantification of how many of USA Datanet's All Talk subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom USA Datanet does not expect to receive an acknowledgement by August 29, 2005.**

As of August 10, 2005, approximately 50.4% of USA Datanet's All Talk subscribers have submitted an affirmative acknowledgement. USA Datanet respectfully submits that it is impossible to give a reliable estimate of the percentage of subscribers from whom it does not expect to receive acknowledgement by August 29, 2005. However, in order to satisfy fully the condition for immunity, USA Datanet estimates that between 0% to 20% of our All Talk subscribers will not have returned an acknowledgement by August 29, 2005.

**Detailed description of whether and how USA Datanet has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service.**

As explained above, on July 28, 2005, USA Datanet distributed warning stickers, which are appended as Attachment B, by first-class mail to existing All Talk customers and as part of the product enrollment process for new subscribers. The Advisory that accompanies the warning stickers instructs subscribers to place the stickers "on or near the equipment I use to access All Talk's service."

**Quantification of how many subscribers, on a percentage basis, to whom USA Datanet did not send the advisory described in the first bullet above and/or to whom USA Datanet did not send warning stickers or other appropriate label as identified in the bullet immediately above.**

Based upon knowledge and belief, USA Datanet sent the Advisory and the warning stickers to all of its All Talk subscribers, and thus approximately 0% of our subscribers were not sent the advisory and warning stickers.

**Detailed description of any and all actions USA Datanet plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.**

USA Datanet will continue to make efforts to obtain every subscriber's acknowledgement by August 29, 2005, and may employ additional methods depending on the effectiveness of traditional US post office mail, email activity, and calling campaigns. Future methods may also include the use of web and or IVR technologies.

All future communications with existing subscribers seeking acknowledgement of receipt and understanding of the Advisory will include a warning that "The FCC expects us to discontinue your All Talk service by August 30<sup>th</sup> unless we obtain acknowledgment or receipt and understanding of this Advisory from you." USA Datanet hopes to avoid

disconnecting subscribers, but in light of the FCC's apparent expectation that we do so, we will prepare for that possibility in as responsible a manner as possible given the timeframe.

**Detailed description of how USA Datanet is currently maintaining any acknowledgements received from its subscribers.**

USA Datanet is maintaining records of all acknowledgments of receipt and understanding of the Advisory described above at 318 S. Clinton Street, Syracuse, NY 13202.

**Name, title, address, phone number, and e-mail address of the person responsible for USA Datanet's compliance efforts with the VoIP E911 Order.**

Scott F. Fountain  
VP of Operations  
USA Datanet Corporation  
318 S. Clinton Street  
Syracuse, NY 13202  
315-579-7006

## **ATTACHMENT A**



July 26, 2005

«CustomerName»

«BillToStreet1»

«BillToStreet2»

«BillToCity», «BillToState» «BillToZip»

Dear «CustomerName»:

Thank you for choosing USA Datanet's All Talk Plan. The Federal Communications Commission ("FCC") recently adopted rules prohibiting all providers of Voice over Internet Protocol ("VoIP") services from offering VoIP services unless they also provide access to E911. Under the FCC's rules, subscribers are not permitted to opt out of E911. The rules will become effective on November 29, 2005.

The attached Notice Of Limitations Of All Talk Emergency Services ("Notice") describes the circumstances under which All Talk Emergency Services may not be available or may be limited by comparison to traditional E911 service. If you have questions or do not understand anything described in the Notice, please call USA Datanet at (877) 532-8263.

Once you fully understand the Notice, please sign and fax a copy of the attached Acknowledgment of Receipt of Notice of Limitations of All Talk Emergency Service to 1-800-288-0907 as soon as possible. If we have not received your fax by **Friday, August 5<sup>th</sup>**, your **service may be suspended** because the FCC requires that we obtain your affirmative acknowledgement that you have received and understood the Notice or we cannot continue to serve you.

We at USA Datanet are working with the entire industry and federal and state regulators to improve VoIP emergency services. We look forward to announcing these important and exciting safety enhancements to your All Talk service in coming months.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Matukas", written over a horizontal line.

Scott Matukas  
President and COO  
USA Datanet

9111A

## **IMPORTANT**

### **NOTICE OF LIMITATIONS OF ALL TALK EMERGENCY SERVICES**

This Notice Of Limitations Of All Talk Emergency Services ("Notice") describes the circumstances under which All Talk Emergency Services may not be available or may be limited by comparison to traditional E911 service. If you have questions or do not understand anything described in this Notice, please call USA Datanet at (877)-532-8263.

Once you fully understand this Notice, please sign and fax a copy of the attached Acknowledgment of Receipt of Notice of Limitations of All Talk Emergency Service ("Acknowledgement") to 1-800-288-0907 as soon as possible. **If we have not received your fax by Friday, August 5th, your service may be suspended until we receive your Acknowledgement.**

### **LIMITATIONS OF ALL TALK EMERGENCY SERVICES**

1. **YOU MUST MAINTAIN ALTERNATE MEANS OF CONTACTING 911 EMERGENCY SERVICES.** All Talk Emergency Services differ from traditional 911 service. Because of these differences you may not be able to access emergency services by dialing 911 when using All Talk's services. **You understand and acknowledge that you must have alternate means of contacting 911 emergency services. You must notify any guests, residents or other third parties using your All Talk service that they may not be able to reach 911 emergency services and may have to use alternate means to contact 911 emergency services.**
2. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE DURING A POWER OUTAGE.** You understand and acknowledge that you **will not** be able to use your All Talk service to contact 911 emergency services if your power is disrupted. Once power is restored, you may be required to reset or reconfigure your equipment **before** you will be able to use your All Talk service to contact 911 emergency services.
3. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE IF YOUR BROADBAND CONNECTION IS DISRUPTED OR YOUR ALL TALK SERVICE HAS BEEN SUSPENDED FOR ANY REASON.** You understand and acknowledge that you **will not** be able to contact 911 emergency services if your broadband connection is disrupted or if your All Talk service has been suspended for any reason, including, for example, for non-payment. Once your broadband connection and All Talk service have been restored, you may be required to reset or reconfigure your equipment **before** you will be able to use your All Talk service to contact 911 emergency services.
4. **EMERGENCY RESPONSE PERSONNEL WILL NOT AUTOMATICALLY RECEIVE YOUR CALL BACK TELEPHONE NUMBER OR PHYSICAL LOCATION.** One feature of traditional 911 service, called Enhanced 911 or E911, automatically provides your emergency response personnel with your call back telephone number and the address associated with that telephone number. Currently, All Talk does not provide emergency response personnel with your call back telephone number or physical address when you dial 911 emergency services. As such, you **must** tell emergency response personnel your call back telephone number and physical location. You understand and acknowledge that emergency response

personnel **will not** be able to locate you or call you back if your call is unable to be completed, dropped, or disconnected, or if you are unable for any reason to tell emergency response personnel your call back telephone number and physical location.

5. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE UNTIL YOU REGISTER YOUR SERVICE ADDRESS WITH USA DATANET** You understand and acknowledge that you **must** provide USA Datanet with your **correct** service address **before** you attempt to use your All Talk service to contact 911 emergency services. You will not be able to use your All Talk service for any purpose until you register your correct service address with USA Datanet. If you provide USA Datanet with an incorrect address, calls to 911 emergency services may be routed to emergency response personnel who **will not** be able to assist you. You can register your new service address by visiting <http://mydatanet.com>.
6. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE CORRECTLY IF YOU CHANGE YOUR SERVICE ADDRESS WITHOUT NOTIFYING USA DATANET.** When you dial 911 emergency services, your call is sent to a local emergency services answering point based on the service address you provided to USA Datanet. You understand and acknowledge that you **must** register any **changes** in your service address **before** you attempt to use your All Talk service to contact 911 emergency services. If you change service addresses without notifying USA Datanet or provide USA Datanet with an incorrect service address, calls to 911 emergency services may be routed to emergency response personnel who **will not** be able to assist you. You can register your new service address by visiting <http://mydatanet.com>.
7. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE CORRECTLY FOR UP TO 2 BUSINESS DAYS AFTER YOU CHANGE YOUR SERVICE ADDRESS.** You understand and acknowledge that it may take approximately 2 business days after you register a changed service address with USA Datanet before calls to 911 emergency services will be routed to emergency personnel responsible for your new service address. During this time, calls to 911 emergency services will be routed to an emergency services answering point associated with your old service address, which **may not** be able to assist you.
8. **ALL TALK 911 EMERGENCY SERVICE CALLS MADE FROM A LOCATION OTHER THAN YOUR SERVICE ADDRESS MAY NOT BE ROUTED TO THE CORRECT LOCAL EMERGENCY SERVICE ANSWERING POINT.** You understand and acknowledge that if you use your equipment and All Talk service to call 911 emergency services from a location other than your registered service address, your 911 emergency services call **may** be routed to emergency response personnel who **will not** be able to assist you.
9. **ALL TALK 911 EMERGENCY SERVICES CALLS MAY BE ROUTED TO A GENERAL TELEPHONE NUMBER FOR YOUR LOCAL EMERGENCY RESPONSE PERSONNEL.** You understand and acknowledge that under All Talk's current service offering, your calls to 911 emergency services **may** be routed to a general telephone number for the local emergency service provider. Those calls **may not** be answered in the same manner as traditional 911 calls.
10. **ALL TALK 911 EMERGENCY SERVICES CALLS MAY BE DELAYED OR DROPPED DUE TO NETWORK CONGESTION ON THE INTERNET.** You understand and acknowledge that your calls to 911 emergency services made utilizing All Talk **may** take longer than calls made using traditional telephone service.



**ACKNOWLEDGMENT OF RECEIPT OF NOTICE  
OF LIMITATIONS OF ALL TALK EMERGENCY SERVICE**

I have received and understood the Notice of Limitations of All Talk Emergency Service (“Notice”), and I acknowledge that my ability to contact emergency services by dialing 911 may be limited.

I understand and acknowledge that I must have alternate means of contacting 911 emergency services.

I understand and acknowledge that I must notify any guests, residents or other third parties using my All Talk service that they may not be able to reach 911 emergency services and may have to use alternate means to contact 911 emergency services.

I have received a warning sticker explaining that 911 service may not be available, and I have placed the sticker on or near the equipment I use to access All Talk’s service..

**«CustomerName»**

**Customer Name**

**«CustomerAcctNumber»**

**Customer Account Number**

\_\_\_\_\_  
**Customer Signature**

Date: \_\_\_\_\_

PLEASE SIGN AND FAX THIS BACK TO US AT 1-800-288-0907.

IF WE DO NOT RECEIVE YOUR SIGNED ACKNOWLEDGMENT BY 8/5/05 YOUR SERVICE MAY BE SUSPENDED



July 26, 2005

«CustomerName»  
«BillToStreet1»  
«BillToStreet2»  
«BillToCity», «BillToState» «BillToZip»

Dear «CustomerName»:

Thank you for choosing USA Datanet's All Talk Plan. The Federal Communications Commission ("FCC") recently adopted rules prohibiting all providers of Voice over Internet Protocol ("VoIP") services from offering VoIP services unless they also provide access to E911. Under the FCC's rules, subscribers are not permitted to opt out of E911. The rules will become effective on November 29, 2005.

Unfortunately, due to the limitations of your area, we have been unable to offer you Emergency Services. We are working diligently to gain coverage in your area and expect to be able to offer you VoIP E911 in the coming months.

Until you receive explicit notice from USA Datanet that emergency services have been activated on your All Talk service, **YOU CANNOT ACCESS EMERGENCY SERVICES BY DIALING 911 ON YOUR ALL TALK SERVICE.** You must have an alternate means of contacting 911 emergency services, and you must notify any guests, residents or other third parties using your All Talk service that they cannot reach 911 emergency services using your All Talk service.

The FCC rules also require all VoIP providers to send notices to their customers about the circumstances under which VoIP E911 service may not be available or may be limited by comparison to traditional E911 service, and to obtain affirmative acknowledgement that each customer has received and understood the notice.

The attached Notice Of Limitations Of All Talk Emergency Services ("Notice") describes the circumstances under which All Talk Emergency Services may not be available or may be limited by comparison to traditional E911 service. Specifically, the Notice explains that, until you receive explicit notice from USA Datanet that emergency services have been activated on your All Talk service, **YOU CANNOT ACCESS EMERGENCY SERVICES BY DIALING 911 ON YOUR ALL TALK SERVICE.** The Notice then describes the circumstances under which All Talk Emergency Services, which will be activated only after you have received explicit notice from USA Datanet, may not be available or may be limited by comparison to traditional E911 service. If you have questions or do not understand anything described in the notice, please call USA Datanet at (877) 532-8263.

Once you fully understand the Notice, please sign and fax a copy of the attached Acknowledgment of Receipt of Notice of Limitations of All Talk Emergency Service to 1-800-288-0907 as soon as possible. If we have not received your fax by **Friday, August 5<sup>th</sup>**, **your service may be suspended** because the FCC requires that we obtain your affirmative acknowledgement that you have received and understood the Notice or we cannot continue to serve you.

We at USA Datanet are working with the entire industry and federal and state regulators to improve VoIP emergency services. We look forward to announcing these important and exciting safety enhancements to your All Talk service in coming months.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Matukas", written over a horizontal line.

Scott Matukas  
President and COO  
USA Datanet

9112A

## **IMPORTANT**

### **NOTICE OF LIMITATIONS OF ALL TALK EMERGENCY SERVICES**

This Notice Of Limitations Of All Talk Emergency Services ("Notice") describes the circumstances under which All Talk Emergency Services may not be available or may be limited by comparison to traditional E911 service. First, this Notice explains that, until you receive explicit notice from USA Datanet that emergency services have been activated on your All Talk service, **YOU CANNOT ACCESS EMERGENCY SERVICES BY DIALING 911 ON YOUR ALL TALK SERVICE**. Second, this Notice describes the circumstances under which All Talk Emergency Services, which will be activated only after you have received explicit notice from USA Datanet, may not be available or may be limited by comparison to traditional E911 service. If you have questions or do not understand anything described in this Notice, please call USA Datanet at (877)-532-8263.

Once you fully understand this Notice, please sign and fax a copy of the attached Acknowledgment of Receipt of Notice of Limitations of All Talk Emergency Service ("Acknowledgement") to 1-800-288-0907 as soon as possible. **If we have not received your fax by Friday, August 5th, your service may be suspended until we receive your Acknowledgement.**

**THE FOLLOWING LIMITATIONS APPLY  
UNTIL YOU RECEIVE EXPLICIT NOTICE FROM USA DATANET THAT EMERGENCY  
SERVICES HAVE BEEN ACTIVATED ON YOUR ALL TALK SERVICE**

- 1. EMERGENCY SERVICES CANNOT BE ACCESSED BY DIALING 911 ON YOUR ALL TALK SERVICE..** You understand and acknowledge that emergency services **cannot** be accessed by dialing 911 on my All Talk service. **You understand and acknowledge that you must have an alternate means of contacting 911 emergency services.** You must notify any guests, residents or other third parties using your All Talk service that they **cannot** reach 911 emergency services using your All Talk service and **will** have to use alternate means to contact 911 emergency services.

**THE FOLLOWING LIMITATIONS APPLY  
AFTER YOU RECEIVE EXPLICIT NOTICE FROM USA DATANET THAT EMERGENCY  
SERVICES HAVE BEEN ACTIVATED ON YOUR ALL TALK SERVICE**

- 1. YOU MUST MAINTAIN ALTERNATE MEANS OF CONTACTING 911 EMERGENCY SERVICES.** All Talk Emergency Services differ from traditional 911 service. Because of these differences you may not be able to access emergency services by dialing 911 when using All Talk's services. **You understand and acknowledge that you must have alternate means of contacting 911 emergency services.** You must notify any guests, residents or other third parties using your All Talk

service that they may not be able to reach 911 emergency services and may have to use alternate means to contact 911 emergency services.

2. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE DURING A POWER OUTAGE.** You understand and acknowledge that you **will not** be able to use your All Talk service to contact 911 emergency services if your power is disrupted. Once power is restored, you may be required to reset or reconfigure your equipment **before** you will be able to use your All Talk service to contact 911 emergency services.
3. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE IF YOUR BROADBAND CONNECTION IS DISRUPTED OR YOUR ALL TALK SERVICE HAS BEEN SUSPENDED FOR ANY REASON.** You understand and acknowledge that you **will not** be able to contact 911 emergency services if your broadband connection is disrupted or if your All Talk service has been suspended for any reason, including, for example, for non-payment. Once your broadband connection and All Talk service have been restored, you may be required to reset or reconfigure your equipment **before** you will be able to use your All Talk service to contact 911 emergency services.
4. **EMERGENCY RESPONSE PERSONNEL WILL NOT AUTOMATICALLY RECEIVE YOUR CALL BACK TELEPHONE NUMBER OR PHYSICAL LOCATION.** One feature of traditional 911 service, called Enhanced 911 or E911, automatically provides your emergency response personnel with your call back telephone number and the address associated with that telephone number. Currently, All Talk does not provide emergency response personnel with your call back telephone number or physical address when you dial 911 emergency services. As such, you **must** tell emergency response personnel your call back telephone number and physical location. You understand and acknowledge that emergency response personnel **will not** be able to locate you or call you back if your call is unable to be completed, dropped, or disconnected, or if you are unable for any reason to tell emergency response personnel your call back telephone number and physical location.
5. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE UNTIL YOU REGISTER YOUR SERVICE ADDRESS WITH USA DATANET** You understand and acknowledge that you **must** provide USA Datanet with your **correct** service address **before** you attempt to use your All Talk service to contact 911 emergency services. You will not be able to use your All Talk service for any purpose until you register your correct service address with USA Datanet. If you provide USA Datanet with an incorrect address, calls to 911 emergency services may be routed to emergency response personnel who **will not** be able to assist you. The service address given to USA Datanet for Emergency Services during the sign up process may be changed by visiting <http://mydatanet.com>.
6. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE CORRECTLY IF YOU CHANGE YOUR SERVICE ADDRESS WITHOUT NOTIFYING USA DATANET.** When you dial 911 emergency services, your call is sent to a local emergency services answering point based on the service address you provided to USA Datanet. You understand and acknowledge that you **must** register any **changes** in your service address **before** you attempt to use your All Talk service to contact 911 emergency services. If you change service addresses without notifying USA Datanet or provide USA Datanet with an incorrect service address, calls to 911 emergency services may be routed to emergency response personnel who **will not** be able to assist you. You can register your new service address by visiting <http://mydatanet.com>.

7. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE CORRECTLY FOR UP TO TWO BUSINESS DAYS AFTER YOU CHANGE YOUR SERVICE ADDRESS.** You understand and acknowledge that it may take approximately 2 business days after you register a changed service address with USA Datanet before calls to 911 emergency services will be routed to emergency personnel responsible for your new service address. During this time, calls to 911 emergency services will be routed to an emergency services answering point associated with your old service address, which **may not** be able to assist you.
8. **ALL TALK 911 EMERGENCY SERVICE CALLS MADE FROM A LOCATION OTHER THAN YOUR SERVICE ADDRESS MAY NOT BE ROUTED TO THE CORRECT LOCAL EMERGENCY SERVICE ANSWERING POINT.** You understand and acknowledge that if you use your equipment and All Talk service to call 911 emergency services from a location other than your registered service address, your 911 emergency services call **may** be routed to emergency response personnel who **will not** be able to assist you.
9. **ALL TALK 911 EMERGENCY SERVICES CALLS MAY BE ROUTED TO A GENERAL TELEPHONE NUMBER FOR YOUR LOCAL EMERGENCY RESPONSE PERSONNEL.** You understand and acknowledge that under All Talk's current service offering, your calls to 911 emergency services **may** be routed to a general telephone number for the local emergency service provider. Those calls **may not** be answered in the same manner as traditional 911 calls.
10. **ALL TALK 911 EMERGENCY SERVICES CALLS MAY BE DELAYED OR DROPPED DUE TO NETWORK CONGESTION ON THE INTERNET.** You understand and acknowledge that your calls to 911 emergency services made utilizing All Talk **may** take longer than calls made using traditional telephone service.

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE  
OF LIMITATIONS OF ALL TALK EMERGENCY SERVICE**

I have received and understood the Notice of Limitations of All Talk Emergency Service (“Notice”), and I acknowledge that my ability to contact emergency services by dialing 911 may be limited or nonexistent.

I understand and acknowledge that I must have alternate means of contacting 911 emergency services.

I understand and acknowledge that I must notify any guests, residents or other third parties using my All Talk service that they may not be able to reach 911 emergency services and may have to use alternate means to contact 911 emergency services.

I have received a warning sticker explaining that 911 service may not be available, and I have placed the sticker on or near the equipment I use to access All Talk’s service..

**«CustomerName»**

**Customer Name**

**«CustomerAcctNumber»**

**Customer Account Number**

\_\_\_\_\_  
**Customer Signature**

Date:\_\_\_\_\_

PLEASE SIGN AND FAX THIS BACK TO US AT 1-800-288-0907.

IF WE DO NOT RECEIVE YOUR SIGNED ACKNOWLEDGMENT BY 8/5/05 YOUR SERVICE MAY BE SUSPENDED

## **ATTACHMENT B**

# WARNING

In case of emergency, you may not be able to contact emergency personnel by dialing 9-1-1 from this device.

**Use alternative means to contact emergency personnel if**

- (1) You do not hear a dial tone on this device or**
- (2) Emergency personnel do not answer when you dial 9-1-1 on this device.**

The designated alternative means to contact emergency personnel is: \_\_\_\_\_



## **ATTACHMENT C**



July 26, 2005

«CustomerName»  
«BillToStreet1»  
«BillToStreet2»  
«BillToCity», «BillToState» «BillToZip»

Dear «CustomerName»:

Thank you for choosing USA Datanet's All Talk Plan. The Federal Communications Commission ("FCC") recently adopted rules prohibiting all providers of Voice over Internet Protocol ("VoIP") services from offering VoIP services unless they also provide access to E911. Under the FCC's rules, subscribers are not permitted to opt out of E911. The rules will become effective on November 29, 2005.

Our records indicate that we do not have an active Emergency Services address record for your account. Please enroll for All Talk Emergency Services by visiting <http://mydatanet.com> and clicking on Emergency Services as soon as possible in order to facilitate implementation of the FCC's rules. If you do not enroll for All Talk Emergency Services, we may be forced under the FCC's rules to discontinue your All Talk Plan.

Until you receive explicit notice from USA Datanet that emergency services have been activated on your All Talk service, **YOU CANNOT ACCESS EMERGENCY SERVICES BY DIALING 911 ON YOUR ALL TALK SERVICE**. You must have an alternate means of contacting 911 emergency services, and you must notify any guests, residents or other third parties using your All Talk service that they cannot reach 911 emergency services using your All Talk service.

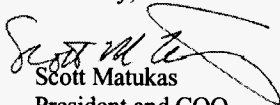
The FCC rules also require all VoIP providers to send notices to their customers about the circumstances under which VoIP E911 service may not be available or may be limited by comparison to traditional E911 service, and to obtain affirmative acknowledgement that each customer has received and understood the notice.

The attached Notice Of Limitations Of All Talk Emergency Services ("Notice") describes the circumstances under which All Talk Emergency Services may not be available or may be limited by comparison to traditional E911 service. Specifically, the Notice explains that, until you receive explicit notice from USA Datanet that emergency services have been activated on your All Talk service, **YOU CANNOT ACCESS EMERGENCY SERVICES BY DIALING 911 ON YOUR ALL TALK SERVICE**. The Notice then describes the circumstances under which All Talk Emergency Services, which will be activated only after you have received explicit notice from USA Datanet, may not be available or may be limited by comparison to traditional E911 service. If you have questions or do not understand anything described in the notice, please call USA Datanet at (877) 532-8263.

Once you fully understand the Notice, please sign and fax a copy of the attached Acknowledgment of Receipt of Notice of Limitations of All Talk Emergency Service to 1-800-288-0907 as soon as possible. If we have not received your fax by **Friday, August 5<sup>th</sup>**, **your service may be suspended** because the FCC requires that we obtain your affirmative acknowledgement that you have received and understood the Notice or we cannot continue to serve you.

We at USA Datanet are working with the entire industry and federal and state regulators to improve VoIP emergency services. We look forward to announcing these important and exciting safety enhancements to your All Talk service in coming months.

Sincerely,

  
Scott Matukas  
President and COO  
USA Datanet

9112B

## **IMPORTANT**

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Once you fully understand this Notice, please sign and fax a copy of the attached Acknowledgment of Receipt of Notice of Limitations of All Talk Emergency Service ("Acknowledgement") to 1-800-288-0907 as soon as possible. **If we have not received your fax by Friday, August 5th, your service may be suspended until we receive your Acknowledgement.**

#### **THE FOLLOWING LIMITATIONS APPLY UNTIL YOU RECEIVE EXPLICIT NOTICE FROM USA DATANET THAT EMERGENCY SERVICES HAVE BEEN ACTIVATED ON YOUR ALL TALK SERVICE**

1. **EMERGENCY SERVICES CANNOT BE ACCESSED BY DIALING 911 ON YOUR ALL TALK SERVICE..** You understand and acknowledge that emergency services **cannot** be accessed by dialing 911 on my All Talk service. **You understand and acknowledge that you must have an alternate means of contacting 911 emergency services.** You must notify any guests, residents or other third parties using your All Talk service that they **cannot** reach 911 emergency services using your All Talk service and **will** have to use alternate means to contact 911 emergency services.

#### **THE FOLLOWING LIMITATIONS APPLY AFTER YOU RECEIVE EXPLICIT NOTICE FROM USA DATANET THAT EMERGENCY SERVICES HAVE BEEN ACTIVATED ON YOUR ALL TALK SERVICE**

1. **YOU MUST MAINTAIN ALTERNATE MEANS OF CONTACTING 911 EMERGENCY SERVICES.** All Talk Emergency Services differ from traditional 911 service. Because of these differences you may not be able to access emergency services by dialing 911 when using All Talk's services. **You understand and acknowledge that you must have alternate means of contacting 911 emergency services.** You must notify any guests, residents or other third parties using your All Talk

**service that they may not be able to reach 911 emergency services and may have to use alternate means to contact 911 emergency services.**

2. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE DURING A POWER OUTAGE.** You understand and acknowledge that you **will not** be able to use your All Talk service to contact 911 emergency services if your power is disrupted. Once power is restored, you may be required to reset or reconfigure your equipment **before** you will be able to use your All Talk service to contact 911 emergency services.
3. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE IF YOUR BROADBAND CONNECTION IS DISRUPTED OR YOUR ALL TALK SERVICE HAS BEEN SUSPENDED FOR ANY REASON.** You understand and acknowledge that you **will not** be able to contact 911 emergency services if your broadband connection is disrupted or if your All Talk service has been suspended for any reason, including, for example, for non-payment. Once your broadband connection and All Talk service have been restored, you may be required to reset or reconfigure your equipment **before** you will be able to use your All Talk service to contact 911 emergency services.
4. **EMERGENCY RESPONSE PERSONNEL WILL NOT AUTOMATICALLY RECEIVE YOUR CALL BACK TELEPHONE NUMBER OR PHYSICAL LOCATION.** One feature of traditional 911 service, called Enhanced 911 or E911, automatically provides your emergency response personnel with your call back telephone number and the address associated with that telephone number. Currently, All Talk does not provide emergency response personnel with your call back telephone number or physical address when you dial 911 emergency services. As such, you **must** tell emergency response personnel your call back telephone number and physical location. You understand and acknowledge that emergency response personnel **will not** be able to locate you or call you back if your call is unable to be completed, dropped, or disconnected, or if you are unable for any reason to tell emergency response personnel your call back telephone number and physical location.
5. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE UNTIL YOU REGISTER YOUR SERVICE ADDRESS WITH USA DATANET** You understand and acknowledge that you **must** provide USA Datanet with your **correct** service address **before** you attempt to use your All Talk service to contact 911 emergency services. You will not be able to use your All Talk service for any purpose until you register your correct service address with USA Datanet. If you provide USA Datanet with an incorrect address, calls to 911 emergency services may be routed to emergency response personnel who **will not** be able to assist you. The service address given to USA Datanet for Emergency Services during the sign up process may be changed by visiting <http://mydatanet.com>.
6. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE CORRECTLY IF YOU CHANGE YOUR SERVICE ADDRESS WITHOUT NOTIFYING USA DATANET.** When you dial 911 emergency services, your call is sent to a local emergency services answering point based on the service address you provided to USA Datanet. You understand and acknowledge that you **must** register any **changes** in your service address **before** you attempt to use your All Talk service to contact 911 emergency services. If you change service addresses without notifying USA Datanet or provide USA Datanet with an incorrect service address, calls to 911 emergency services may be routed to emergency response personnel who **will not** be able to assist you. You can register your new service address by visiting <http://mydatanet.com>.

7. **ALL TALK 911 EMERGENCY SERVICES WILL NOT OPERATE CORRECTLY FOR UP TO TWO BUSINESS DAYS AFTER YOU CHANGE YOUR SERVICE ADDRESS.** You understand and acknowledge that it may take approximately 2 business days after you register a changed service address with USA Datanet before calls to 911 emergency services will be routed to emergency personnel responsible for your new service address. During this time, calls to 911 emergency services will be routed to an emergency services answering point associated with your old service address, which **may not** be able to assist you.
8. **ALL TALK 911 EMERGENCY SERVICE CALLS MADE FROM A LOCATION OTHER THAN YOUR SERVICE ADDRESS MAY NOT BE ROUTED TO THE CORRECT LOCAL EMERGENCY SERVICE ANSWERING POINT.** You understand and acknowledge that if you use your equipment and All Talk service to call 911 emergency services from a location other than your registered service address, your 911 emergency services call **may** be routed to emergency response personnel who **will not** be able to assist you.
9. **ALL TALK 911 EMERGENCY SERVICES CALLS MAY BE ROUTED TO A GENERAL TELEPHONE NUMBER FOR YOUR LOCAL EMERGENCY RESPONSE PERSONNEL.** You understand and acknowledge that under All Talk's current service offering, your calls to 911 emergency services **may** be routed to a general telephone number for the local emergency service provider. Those calls **may not** be answered in the same manner as traditional 911 calls.
10. **ALL TALK 911 EMERGENCY SERVICES CALLS MAY BE DELAYED OR DROPPED DUE TO NETWORK CONGESTION ON THE INTERNET.** You understand and acknowledge that your calls to 911 emergency services made utilizing All Talk **may** take longer than calls made using traditional telephone service.

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE  
OF LIMITATIONS OF ALL TALK EMERGENCY SERVICE**

I have received and understood the Notice of Limitations of All Talk Emergency Service ("Notice"), and I acknowledge that my ability to contact emergency services by dialing 911 may be limited or nonexistent.

I understand and acknowledge that I must have alternate means of contacting 911 emergency services.

I understand and acknowledge that I must notify any guests, residents or other third parties using my All Talk service that they may not be able to reach 911 emergency services and may have to use alternate means to contact 911 emergency services.

I have received a warning sticker explaining that 911 service may not be available, and I have placed the sticker on or near the equipment I use to access All Talk's service..

**«CustomerName»**

**Customer Name**

**«CustomerAcctNumber»**

**Customer Account Number**

\_\_\_\_\_  
**Customer Signature**

Date: \_\_\_\_\_

PLEASE SIGN AND FAX THIS BACK TO US AT 1-800-288-0907.

IF WE DO NOT RECEIVE YOUR SIGNED ACKNOWLEDGMENT BY 8/5/05 YOUR SERVICE MAY BE SUSPENDED